

## REMARKS

### I. Summary of the Examiner's Action

#### A. Claim Rejections

As set forth on page 2 of the October 1 Office Action, claims 21 and 22 stand rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As set forth on page 3 of the October 1 Office Action, claims 17 – 22 stand rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 3,887,928 to Ohno et al. (hereinafter “Ohno” or “the Ohno patent”).

### II. Applicant's Response

#### A. Rejection of Claims 21 – 22 under 35 U.S.C. § 112, second paragraph

Applicants have amended claim 21 to overcome the rejections based on 35 U.S.C. § 112, second paragraph. Applicants respectfully request that the rejection of claim 21 on this basis be withdrawn.

Regarding the rejection of claim 22 on this basis, Applicants submit that the concept of semi-insulating electrical materials would be well-understood by one skilled in the art as electrical engineering sciences have focused on semi-conducting and semi-

insulating materials for years. Further the claim itself recites a standard: “the electrically semi-insulating material having sufficient conductivity to permit a potential to be established at a location in front of the at least one nozzle which is of the same polarity as that applied to the material issuing from the at least one nozzle during spraying operations.” In view of this standard, one of skill in the art would have no difficulty in judging the scope of the claim. Thus, Applicants respectfully request that the rejection on this basis be withdrawn.

B. Rejection of Claims 17 - 19 under 35 U.S.C. § 102(b)

Applicants reproduce claim 17 (as amended) as a convenience to the Examiner (emphasis added):

17. An electrostatic spraying device comprising:
- a high voltage generator having a high voltage output;
  - at least one dispensing nozzle configured to release electrostatically sprayable material during spraying operations;
  - a housing enclosing at least one reservoir configured to store materials to be sprayed;
  - a tube connecting the at least one dispensing nozzle and the at least one reservoir, the tube configured to convey the materials to be sprayed from the at least one reservoir to the at least one dispensing nozzle;
  - means coupling the high voltage output of the high voltage generator to the materials so that the voltage is conducted through the materials to the materials present at the at least one dispensing nozzle;
  - at least one ring surrounding the at least one dispensing nozzle, the at least one ring coupled to the high voltage generator, the at least one ring configured to develop a high voltage of the same polarity as that

applied to the materials being sprayed and to generate an electric field in the vicinity of the at least one dispensing nozzle;

wherein the development of a high voltage by the at least one ring of the same polarity as that applied to the materials being sprayed and the generation of an electric field in the vicinity of the at least one dispensing nozzle by the at least one ring during spraying operations causes the electrostatic spraying device to impart an electrostatic charge to the materials issuing from the at least one nozzle and to focus the material being sprayed when a forward extremity of the ring is brought in proximity to an earthed target to be sprayed.

Applicants respectfully submit that it is not seen where the emphasized subject matter of claim 17 is either described or suggested by the art of record. In particular, Ohno neither describes nor suggests that a ring develop a high voltage of the same polarity as material being sprayed so that the material is focused during spraying operations. Applicants have amended claim 17 in an attempt to overcome the Examiner's rejection, but would be willing to entertain further amendment if such amendment would obviate the current basis of rejection.

Accordingly, Applicants respectfully request that the rejection of claim 17 be withdrawn. Applicants also respectfully request that the rejection of dependent claims 18 – 22 be withdrawn since claims 18 – 22 depend from an allowable base claim, and also due to their independently-recited subject matter.

Applicants respectfully request the prompt consideration of this application.

Respectfully submitted,

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Date

David M. O'Neill

David M. O'Neill (35,304)  
786 Townsend Avenue  
New Haven, CT. 06512  
Telephone: (203) 467-0759

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**CERTIFICATE OF MAILING**

I, David M. O'Neill, hereby certify that the following correspondence was deposited on March 31, 2009 with the United States Patent and Trademark Office using the Express Mail Post Office to Addressee service under 37 C.F.R. 1.10 in an envelope bearing the Express Mail Label No. EH192043492US and addressed to Mail Stop RCE, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

March 31, 2009

Date

David M. O'Neill

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